

Appl. No. : 09/430,687  
Filed : October 29, 1999

### **REMARKS**

Applicant appreciates Examiner Patel's courtesy in taking time to discuss rejection of the claims in the final office action during a telephonic interview with Applicant's representative Mark M. Abumeri on November 21, 2005. During the interview it was agreed that pending independent claims 1, 10, and 19 overcome the art of record, including Cidon (U.S. Pat. No. 6,269,330), which was relied upon in the final Office Action. As discussed, Cidon fails to teach or suggest all of the limitations of each of claims 1, 10, and 19. Claims 2-9 and 24, 11-18, and 20-23 each depend from claims 1, 10, and 19, respectively. These claims are therefore all allowable as being dependent on allowable base claims and for additional novel features recited therein. Applicant hereby incorporates by reference its Amendment and Response to Office Action, previously filed on April 2, 2004.

Subsequent to the interview, Examiner Patel brought to Applicant's attention two additional references as being potentially relevant to the patentability of the pending claims: Natarajan (U.S. Pat. No. 6,769,024) and Tummalapalli (U.S. Published App. No. 2004/0243607). Although Applicant does not have substantive comments from the Examiner regarding these references, Applicant has reviewed these references and submits that these references, neither alone nor in combination, anticipate nor make obvious the invention as recited in the pending claims. In particular, the combined teachings of Natarajan and Tummalapalli fail to disclose at least "determining whether the communication parameter deviates from a network baseline by a predetermined threshold" as recited in independent claim 10, and similarly recited in claims 1 and 19. Moreover, Applicant notes that certain features in the Tummalapalli's published application are not entitled to the provisional application filing date, and hence cannot be considered prior art under sections 35 U.S.C. §102 or §103. Applicant further submits that there is a lack of motivation to combine these references. Thus, these references, alone or in combination, do not teach each feature recited in the claims.

Claims 2-9 and 24, 11-18, and 20-23 each depend from claims 1, 10, and 19 respectively. These claims are therefore all allowable as being dependent on allowable base claims and for additional novel features recited therein.